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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,364	08/20/2001	Paul H. Gailus	CM04766H	7135
22917	7590	04/10/2008		
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			EXAMINER HASHEM, LISA	
			ART UNIT 2614	PAPER NUMBER
			NOTIFICATION DATE 04/10/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.Schaumburg@motorola.com
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<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 09/933,364	Applicant(s) GAILUS ET AL.	
	Examiner LISA HASHEM	Art Unit 2614	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: 12.
 Claim(s) rejected: 1,2,4-9,11-18,20 and 22.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☒ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Fan Tsang/
Supervisory Patent Examiner, Art Unit 2614

/Lisa Hashem/
Examiner, Art Unit 2614

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments regarding the 102(e) rejection of US Pat No 6589097 by Chandler for claims 1, 2, 4-9, 13-18, 20, and 22 were not presented in the Amendment filed on 10-9-2007 during prosecution. The rejections by Chandler were presented in the office actions submitted on 7-9-07 and 1-22-08. The remarks in the After Final amendment filed on 3-3-2008 are new arguments presented to the Examiner.

Applicant argues that Chandler does not disclose 'at least one adjustable zero element coupled between the input of the feedback loop and the power amplifier in the forward path of the feedback loop' in claims 1, 13, 20, and 22 and 'the feedback loop is a cartesian feedback loop' in claim 7. Examiner disagrees. Chandler discloses this limitation in Fig. 13. The resonator $H(s)$ includes at least one adjustable zero element (the zero element can vary; col. 1, 59-67; col. 2, lines 13-19) coupled between the input of the feedback loop $X(s)$ and the power amplifier $A2(s)$ in the forward path of the feedback loop (see col. 2, lines 13-19 and col. 7, lines 32-54). Chandler further discloses in Figure 13 a bandpass feedback, like a cartesian feedback loop, is shown in Fig. 13 (col. 2, lines 1-12; col. 7, lines 32-54).

Applicant argues that the prior art of Horowitz in view of Kenington, cited in the final action filed on 1-22-08, do not disclose 'at least one adjustable zero element and at least one adjustable pole element are operable to change the loop bandwidth of the feedback loop' in claims 1 and 20 and 'moving a pole in the loop frequency response using the at least one adjustable pole element yielding a change in the closed loop frequency response' in claims 13 and 22. Examiner disagrees. Regarding claims 1 and 20, Horowitz discloses 'the AGC circuit adjusts (or changes) the attenuation in the loop to main constant and consistent loop gain'. Thus, the adjustable pole and zero element in the AGC circuit are operable to change the loop bandwidth in the feedback loop in Fig. 2 (col. 7, lines 3-10; col. 7, line 31 - col. 8, line 7). Further, Horowitz discloses 'adjustment of closed loop gain during amplitude training according to prestored operating condition adjustment factors' (col. 5, lines 50-52) and 'the input ramp increases output power' (col. 7, lines 3-19) reads on 'changing the loop bandwidth'.

In regards to claims 13 and 22, Horowitz discloses 'the AGC circuit adjusts (or changes) the attenuation in the loop to main constant and consistent loop gain'. Thus, the adjustable pole element in the AGC circuit is operable to change the loop bandwidth in the feedback loop in Fig. 2 (col. 7, lines 3-10; col. 7, line 31 - col. 8, line 7) and reads on 'moving a pole in the loop frequency response using the at least one adjustable pole element yielding a change in the closed loop frequency response'. Further, Kenington is evidence that introducing the complex effects of poles and zeros within a cartesian loop transmitter will produce a more accurate model predicting frequency offset or the change in the closed loop frequency response (Fig. 11; page 474).

The Final Action filed on 1-2-08 is maintained.